

ASSEMBLY BILL

No. 1916

Introduced by Assembly Member Torlakson

February 17, 1998

An act to amend Section 23182 of, and to add Section 23199.5 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1916, as introduced, Torlakson. Driving offenses.

(1) Existing law limits to 3 the maximum number of one-year prison enhancements, based on the number of injured victims, that may be imposed upon persons convicted of specified offenses involving driving a vehicle while under the influence of an alcoholic beverage, any drug, or the combined influence of an alcoholic beverage and a drug, or driving with an excessive blood alcohol concentration, and bodily injury or death occur to more than one victim.

This bill would delete that limitation, thereby allowing for the imposition of an unlimited number of one-year enhancements.

(2) Under existing law, a person who is convicted of driving a vehicle while under the influence of an alcoholic beverage, any drug, or both, driving with an excessive blood-alcohol concentration, or driving when addicted to any drug (DUI), is required to be punished by specified terms of imprisonment, fines, and other sanctions, including the suspension or revocation of the person's driving privilege. Existing law also prohibits any person driving a motor vehicle when that person's driving privilege is suspended or revoked.

This bill would provide for enhanced prison sentences consisting of 30 additional days in county jail and an additional \$1,000 fine or one year in state prison and a \$2,000 fine upon a subsequent misdemeanor or felony, respectively, for DUI violation occurring when the person was driving a vehicle with a suspended or revoked driving privilege and the recent violation resulted in a conviction.

Because this bill would increase the level of service required of local law enforcement agencies, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23182 of the Vehicle Code is
2 amended to read:

3 23182. Any person who proximately causes bodily
4 injury or death to more than one victim in any one
5 instance of driving in violation of Section 23153 of this
6 code or in violation of Section 191.5 or paragraph (3) of
7 subdivision (c) of Section 192 of the Penal Code, shall,
8 upon a felony conviction, receive an enhancement of one
9 year in the state prison for each additional injured victim.
10 The enhanced sentence provided for in this section shall
11 not be imposed unless the fact of the bodily injury to each
12 additional victim is charged in the accusatory pleading
13 and admitted or found to be true by the trier of fact. ~~The~~
14 ~~maximum number of one year enhancements which may~~
15 ~~be imposed pursuant to this section is three.~~

16 Notwithstanding any other provision of law, the court
17 may strike the enhancements provided in this section if
18 it determines that there are circumstances in mitigation



1 of the additional punishment and states on the record its
2 reasons for striking the additional punishment.

3 SEC. 2. Section 23199.5 is added to the Vehicle Code,
4 to read:

5 23199.5. (a) If a person is convicted of a violation of
6 Section 23152 or 23153 and is sentenced to county jail or
7 state prison under Sections 23165, 23166, 23170, 23171,
8 23175, 23176, 23180, 23181, 23182, 23185, 23186, 23190, or
9 23191, that person shall receive, in addition to any other
10 penalty, fine, or sanction imposed by law, an enhanced
11 sentence as provided in subdivision (b) or (c) if at the
12 time of the violation of Section 23152 or 23153 that person
13 was driving in violation of Section 14601.2.

14 (b) Upon a misdemeanor conviction of Section 23152
15 or 23153, the person described in subdivision (a) shall
16 receive an enhancement of 30 additional days in county
17 jail and an additional fine of one thousand dollars
18 (\$1,000).

19 (c) Upon a felony conviction of Section 23152 or 23153,
20 the person described in subdivision (a) shall receive an
21 enhancement of one year in state prison and an additional
22 fine of two thousand dollars (\$2,000).

23 (d) The enhanced sentence provided in this section
24 shall only apply if the violation of Section 14601.2 is
25 charged in the accusatory pleading and admitted or
26 found to be true by the trier of fact.

27 SEC. 3. No reimbursement is required by this act
28 pursuant to Section 6 of Article XIII B of the California
29 Constitution because the only costs that may be incurred
30 by a local agency or school district will be incurred
31 because this act creates a new crime or infraction,
32 eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section
34 17556 of the Government Code, or changes the definition
35 of a crime within the meaning of Section 6 of Article
36 XIII B of the California Constitution.

37 Notwithstanding Section 17580 of the Government
38 Code, unless otherwise specified, the provisions of this act

1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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